## Nc. 10739 EQUITY.

IN THE CIPCUIT COURT FOR FREDERICK COUNTY. IN EQUITY.

Harry C. Muck and Nannie E. Muck, his wife.

Vs.

No. 10739 EQUITY.

Susan R. Easterday and Lewis Easterday, her husband, Russell M. Palmer and Calmeda Palmer, his wife, adults and Mildred L. Palmer, Infant.

----0----

TO THE HONOPABLE THE JUDGES OF SAID COURT;

The bill of Complaint of Harry C. Muck and Nannie E. Muck, his wife, complainants, respectfully represent:

- 1. That a certain Lewis Cline, late of Frederick County, Maryland, deceased, departed this life, testate, on or about the year 1901, seized and possessed at the time of his death of a certain tract of land containing 32 acres, more or less, situate along the public road leading from Harmony to Ellerton, in said County, and being the same real estate which was conveyed to the said Lewis Cline from james S.Gladhill, Executor of the last Will of Mary Ambrosious, deceased, dated March 9, 1875, and recorded in Liber T.G.No.4 at folio 22, one of the Land Records for said Frederick County, and a certified copy of said deed is filed herewith as part of this bill of complaint and marked "Exhibit Deed."
- 2. That the said Lewis Cline by his last will and testament, duly probated, filed and recorded in the office of the Register of Wills for said Frederick County, devised said real estate as follows;—
  "The farm I bought of Mary Ambrosious estate lying and being in Frederick County, Maryland as I had surveyed by M.M.Metzger Dec. 10th 1889 changing and dividing line bytween the home farm on which I now live, at the end of the second line, of the original survey, to a shall bark tree, thence to a small white oak tree, thence to a corner stone at the bars on the public road leading from Harmony to Ellerton, I give and devise to me daughter Mary Ellen Waldex during her natural life time and after her death to her son Charles Wm. Muck, his heirs and assigns", as will appear by reference to a certified copy of extracts of said will filed herewith as part hereof and marked "Exhibit Will".
- 3. That the said Charles Wm. Muck departed this life, intestate, on or about the year 1891, before the death of the above named testator, and left surviving him, his widow, Susan R. Muck, now by subsequent marriage, Susan R. Lasterday whose husband's name is Lewis Lasterday, and the two children, name; the said Harry C. Muck whose wifes name is Nannie E. Muck, and Maudie E. Palmer now deceased, whose husbands name was Russell M. Palmer.
- 4. That the said Maudie L.Palmer departed this life, intestate, on or about the year 1912, seized and possessed of her interest in the above estate and left surviving her, the said Russell M.Palmer, her widower, and one child, the said Mildred L.Palmer aged 11 years. The said Russell M.Palmer having since re-married and his wife's name is Calmeda Palmer.
- 5. That the real estate mentioned in the proceedings section can not be divided without loss and injury to the parties having interests therein, and it would be to the interest and advantage of all the parties to have said real estate sold and the proceeds divided.
- 6. That the parties mentioned are all adults excepting Mildred L.Palmer who is an infant aged 11 years and is a non-resident of the State of Maryland, residing near Waynsborough Pennsylvania, but now temporarily in Hagerstown, in Washington County, Maryland. That Susan Easterday and Lewis Lasterday her husband, are residents of Frederick County, Maryland, and that Harry C. Muck and Nannie E. Muck, his wife, and Russell M.Palmer and Calmeda Palmer, his wife, are non-residents of the State of Maryland, and are residents of the State of Pennsylvania.